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July 19, 2022

**Via ECF**

Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Shaw-Nae Dixon, et al. v. Bill DeBlasio, et al.**  
**Civil Action No. 1:21-cv-05090-BMC**  
**Our File No. 01016**

Dear Judge Cogan:

As Your Honor is aware, we represent the plaintiffs in the above matter. Please accept this letter in lieu of a more formal response to defendants' Motion Seeking Additional Time to respond to our Motion Seeking Leave to Amend. In their motion, defendants assert that we have not consented to their request for a time extension because in the past, defendants have not consented to such requests we have made. We just wish to expand on that issue.

As a matter of common courtesy, it is my practice and that of my firm to routinely consent to time extensions. However, when an adversary does not respond in kind, then the usual informal rules of courtesy do not work. Here, I made a request to defense counsel that they consent to additional time for me to file the Motion Seeking Leave to Amend, which is the subject of defendants' current application. My request was based on the fact that brand new Supreme Court cases had been decided which I believed impacted my clients' rights, such that I needed to assess such cases and revise the proposed amended complaint I had submitted to the Court. Defense counsel refused to give me such consent. Thus, I was placed in the position of having to digest complicated legal cases and then trying to incorporate the lessons thereof into a new proposed Amended Complaint in virtually no time at all, despite having a very busy practice, the demands of which had to be put aside due to defendants' lack of consent.

Yesterday, defense counsel requested an extension of time to respond to our motion. No reason was given as to why such time extension was being requested. Rather, defendants' extension request was made. No reason at all was given for the extension request. As a result, after defense counsel had placed me under the pressure set forth above, I denied them the courtesy of consent.

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Under the circumstances, I respectfully request that this Court deny defendants' motion. The practice of law is difficult. Refusing courtesies in order to gain advantage should be frowned upon. To reward defendants with an extension of time now for no stated reason after they refused my legitimate and reasonable request for the courtesy of consent would be to reward them for no reason (since none has been given for the request) despite their behavior. The lesson should be learned that attorneys must be cooperative and courteous with one another. Denial of defendants' motion will teach such lesson.

I thank Your Honor for consideration of the above.

Respectfully yours,

**MURRAY-NOLAN BERUTTI LLC**

*Ronald A. Berutti*

By: \_\_\_\_\_  
Ronald A. Berutti

RAB:jm

cc: Kerri Devine, Esq. (via ECF)